



General Assembly

## ***Amendment***

***January Session, 2015***

**LCO No. 7878**



Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.

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To: Subst. Senate Bill No. **952**

File No. 748

Cal. No. 441

### ***"AN ACT CONCERNING A SECOND CHANCE SOCIETY."***

1 Strike section 9 in its entirety and insert the following in lieu thereof:

2 "Sec. 9. Section 54-124a of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective October 1, 2015*):

4 (a) There shall be a Board of Pardons and Paroles within the  
5 Department of Correction, for administrative purposes only. On and  
6 after July 1, 2008, and prior to July 1, 2010, the board shall consist of  
7 eighteen members, and on and after July 1, 2010, the board shall  
8 consist of twenty members. The Governor shall appoint all members of  
9 the board with the advice and consent of both houses of the General  
10 Assembly. On and after July 1, 2008, twelve of the members shall serve  
11 exclusively on parole release panels, five of the members shall serve  
12 exclusively on pardons panels and the chairperson may serve on both  
13 parole release panels and pardons panels, except that on and after July

14 1, 2010, seven of the members shall serve exclusively on pardons  
15 panels. In the appointment of the members, the Governor shall specify  
16 the member being appointed as chairperson, the full-time and part-  
17 time members being appointed to serve on parole release panels and  
18 the members being appointed to serve on pardons panels. In the  
19 appointment of the members, the Governor shall comply with the  
20 provisions of section 4-9b. The Governor shall appoint a chairperson  
21 from among the membership. The members of the board appointed on  
22 or after February 1, 2008, shall be qualified by education, experience or  
23 training in the administration of community corrections, parole or  
24 pardons, criminal justice, criminology, the evaluation or supervision of  
25 offenders or the provision of mental health services to offenders. Each  
26 appointment of a member of the board submitted by the Governor to  
27 the General Assembly shall be referred, without debate, to the  
28 committee on the judiciary which shall report thereon not later than  
29 thirty legislative days after the date of reference.

30 (b) The term of each appointed member of the board serving on  
31 June 30, 2008, who had been assigned by the chairperson exclusively to  
32 parole hearings, shall expire on said date. The term of each member of  
33 the board serving on June 30, 2008, who had been appointed  
34 chairperson, had been assigned by the chairperson exclusively to  
35 pardons hearings or has been appointed by the Governor on or after  
36 February 1, 2008, shall be coterminous with the term of the Governor  
37 or until a successor is chosen, whichever is later. Any vacancy in the  
38 membership of the board shall be filled for the unexpired portion of  
39 the term by the Governor.

40 (c) The chairperson and five of the members of the board appointed  
41 by the Governor on or after February 1, 2008, to serve on parole release  
42 panels shall devote full time to the performance of their duties under  
43 this section and shall be compensated therefor in such amount as the  
44 Commissioner of Administrative Services determines, subject to the  
45 provisions of section 4-40. The other members of the board shall  
46 receive one hundred ten dollars for each day spent in the performance

47 of their duties and shall be reimbursed for necessary expenses incurred  
48 in the performance of such duties. The chairperson or, in the  
49 chairperson's absence or inability to act, a member designated by the  
50 chairperson to serve temporarily as chairperson, shall be present at all  
51 meetings of the board and participate in all decisions thereof.

52 (d) The chairperson shall be the executive and administrative head  
53 of said board and shall have the authority and responsibility for (1)  
54 overseeing all administrative affairs of the board, (2) assigning  
55 members to panels, (3) establishing procedural rules for members to  
56 follow when conducting hearings, reviewing recommendations made  
57 by employees of the board and making decisions, (4) adopting policies  
58 in all areas of pardons and paroles including, but not limited to,  
59 granting pardons, commutations of punishments or releases,  
60 conditioned or absolute, in the case of any person convicted of any  
61 offense against the state and commutations from the penalty of death,  
62 risk-based structured decision making and release criteria, (5)  
63 consulting with the Department of Correction on shared issues  
64 including, but not limited to, prison overcrowding, (6) consulting with  
65 the Judicial Branch on shared issues of community supervision, and (7)  
66 signing and issuing subpoenas to compel the attendance and  
67 testimony of witnesses at parole proceedings. Any such subpoena shall  
68 be enforceable to the same extent as subpoenas issued pursuant to  
69 section 52-143.

70 (e) Of the members appointed prior to February 1, 2008, the  
71 chairperson shall assign seven members exclusively to parole release  
72 hearings and shall assign five members exclusively to pardons  
73 hearings. Except for the chairperson, no member assigned to parole  
74 release hearings may be assigned subsequently to pardons hearings  
75 and no member assigned to pardons hearings may be assigned  
76 subsequently to parole release hearings. Prior to July 1, 2008, each  
77 parole release panel shall be composed of two members from among  
78 the members assigned by the chairperson exclusively to parole release  
79 hearings or the members appointed by the Governor on or after

80 February 1, 2008, to serve exclusively on parole release panels, and the  
81 chairperson or a member designated to serve temporarily as  
82 chairperson, for each correctional institution. On and after July 1, 2008,  
83 and prior to October 5, 2009, each parole release panel shall be  
84 composed of two members appointed by the Governor on or after  
85 February 1, 2008, to serve on parole release panels, at least one of  
86 whom is a full-time member, and the chairperson or a full-time  
87 member designated to serve temporarily as chairperson, for each  
88 correctional institution. On and after October 5, 2009, each parole  
89 release panel shall be composed of two members appointed by the  
90 Governor to serve on parole release panels and the chairperson or a  
91 full-time member designated to serve temporarily as chairperson, for  
92 each correctional institution. Such parole release panels shall be the  
93 paroling authority for the institutions to which they are assigned and  
94 not less than two members shall be present at each parole hearing.  
95 Each pardons panel shall be composed of three members from among  
96 the members assigned by the chairperson exclusively to pardons  
97 hearings or the members appointed by the Governor on or after  
98 February 1, 2008, to serve on pardons panels, one of whom may be the  
99 chairperson, except that for hearings on commutations from the  
100 penalty of death, one member of the panel shall be the chairperson.

101 (f) The Board of Pardons and Paroles shall have independent  
102 decision-making authority to (1) grant or deny parole in accordance  
103 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish  
104 conditions of parole or special parole supervision in accordance with  
105 section 54-126, (3) rescind or revoke parole or special parole in  
106 accordance with sections 54-127 and 54-128, (4) grant commutations of  
107 punishment or releases, conditioned or absolute, in the case of any  
108 person convicted of any offense against the state and commutations  
109 from the penalty of death in accordance with section 54-130a.

110 (g) The Department of Correction shall be responsible for the  
111 supervision of any person transferred to the jurisdiction of the Board  
112 of Pardons and Paroles during such person's period of parole or

113 special parole.

114 (h) The chairperson, or the chairperson's designee, and two  
115 members of the board from among the members assigned by the  
116 chairperson to serve exclusively on parole release panels or the  
117 members appointed by the Governor on or after February 1, 2008, to  
118 serve on parole release panels, shall conduct all parole release  
119 hearings, and shall approve or deny all parole revocations and parole  
120 rescissions recommended by an employee of the board pursuant to  
121 section 54-127a. In the case of a hearing concerning a person convicted  
122 of a violation of section 53a-54a, 53a-54c or 53a-54d, the panel shall be  
123 comprised of three of the five longest serving parole release panel  
124 members. No panel of the Board of Pardons and Paroles shall hold a  
125 hearing to determine the suitability for parole release of any person  
126 unless the chairperson of the board has made reasonable efforts to  
127 determine the existence of and obtain all information deemed  
128 pertinent to the panel's decision and has certified that all such  
129 pertinent information determined to exist has been obtained or is  
130 unavailable.

131 (i) The chairperson of the board shall appoint an executive director.  
132 The executive director shall oversee the administration of the agency  
133 and, at the discretion of the chairperson, shall: (1) Direct and supervise  
134 all administrative affairs of the board, (2) prepare the budget and  
135 annual operation plan, (3) assign staff to administrative reviews, (4)  
136 organize pardons and parole release hearing calendars, (5) implement  
137 a uniform case filing and processing system, and (6) create programs  
138 for staff and board member development, training and education.

139 (j) The chairperson, in consultation with the executive director, shall  
140 adopt regulations, in accordance with chapter 54, concerning:

141 (1) Parole revocation and rescission hearings that include  
142 implementing due process requirements;

143 (2) An administrative pardons process that allows an applicant

144 convicted of a crime to be granted a pardon with respect to such crime  
145 without a hearing, unless a victim of such crime requests such a  
146 hearing, if such applicant was:

147 (A) Convicted of a misdemeanor and (i) such conduct no longer  
148 constitutes a crime, (ii) such applicant was under twenty-one years of  
149 age at the time of conviction and has not been convicted of a crime  
150 during the five years preceding the date on which the pardon is  
151 granted, or (iii) such conviction occurred prior to the effective date of  
152 the establishment of a program under sections 17a-692 to 17a-701,  
153 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-  
154 56j for which the applicant would have been eligible had such program  
155 existed at the time of conviction, provided the chairperson determines  
156 the applicant would likely have been granted entry into such program;  
157 or

158 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279  
159 and such applicant has not been convicted of a crime during the five  
160 years preceding the date on which the pardon is granted, provided  
161 such date is at least ten years after the date of such conviction or such  
162 applicant's release from incarceration, whichever is later; [and]

163 (3) Requiring board members assigned to pardons hearings to issue  
164 written statements containing the reasons for rejecting any application  
165 for a pardon; [.] and

166 (4) In the case of any administrative parole hearing, no applicant for  
167 parole may be granted parole unless each board member or employee,  
168 who reviewed such applicant's file and any recommendation  
169 concerning such applicant, certifies that he or she reviewed such  
170 applicant's file and any such recommendation.

171 (k) The Board of Pardons and Paroles shall hold a pardons hearing  
172 at least once every three months and shall hold such hearings in  
173 various geographical areas of the state. The board shall not hold a  
174 pardons hearing within or on the grounds of a correctional facility

175 except when solely for the benefit of applicants who are incarcerated at  
176 the time of such hearing.

177 (l) The chairperson and executive director shall establish:

178 (1) In consultation with the Department of Correction, a parole  
179 orientation program for all parole-eligible inmates upon their transfer  
180 to the custody of the Commissioner of Correction that will provide  
181 general information on the laws and policies regarding parole release,  
182 calculation of time-served standards, general conditions of release,  
183 supervision practices, revocation and rescission policies, and  
184 procedures for administrative review and panel hearings, and any  
185 other information that the board deems relevant for preparing inmates  
186 for parole;

187 (2) An incremental sanctions system for parole violations including,  
188 but not limited to, reincarceration based on the type, severity and  
189 frequency of the violation and specific periods of incarceration for  
190 certain types of violations; and

191 (3) A formal training program for members of the board and parole  
192 officers that shall include, but not be limited to, an overview of the  
193 criminal justice system, the parole system including factors to be  
194 considered in granting parole, victim rights and services, reentry  
195 strategies, risk assessment, case management and mental health issues.  
196 Each member shall complete such training annually.

197 (m) The board shall employ at least one psychologist with expertise  
198 in risk assessment and recidivism of criminal offenders who shall be  
199 under the supervision of the chairperson and assist the board in its  
200 parole release decisions.

201 (n) In the event of the temporary inability of any member other than  
202 the chairperson to perform his or her duties, the Governor, at the  
203 request of the board, may appoint a qualified person to serve as a  
204 temporary member during such period of inability.

205 (o) The chairperson of the Board of Pardons and Paroles shall: (1)  
206 Adopt an annual budget and plan of operation, (2) adopt such rules as  
207 deemed necessary for the internal affairs of the board, and (3) submit  
208 an annual report to the Governor and General Assembly."

209 After the last section, add the following and renumber sections and  
210 internal references accordingly:

211 "Sec. 501. Subsection (e) of section 54-125a of the general statutes is  
212 repealed and the following is substituted in lieu thereof (*Effective*  
213 *October 1, 2015*):

214 (e) The Board of Pardons and Paroles may hold a hearing to  
215 determine the suitability for parole release of any person whose  
216 eligibility for parole release is subject to the provisions of subdivision  
217 (2) of subsection (b) of this section upon completion by such person of  
218 eighty-five per cent of such person's definite or aggregate sentence. An  
219 employee of the board or, if deemed necessary by the chairperson, a  
220 panel of the board shall assess the suitability for parole release of such  
221 person based on the following standards: (1) Whether there is  
222 reasonable probability that such person will live and remain at liberty  
223 without violating the law, and (2) whether the benefits to such person  
224 and society that would result from such person's release to community  
225 supervision substantially outweigh the benefits to such person and  
226 society that would result from such person's continued incarceration. If  
227 a hearing is held, and if the board determines that continued  
228 confinement is necessary, the board shall articulate for the record the  
229 specific reasons why such person and the public would not benefit  
230 from such person serving a period of parole supervision while  
231 transitioning from incarceration to the community. No hearing  
232 pursuant to the provisions of this subsection may proceed unless the  
233 parole release panel is in possession of the complete file for such  
234 applicant, including any documentation from the Department of  
235 Correction, the trial record, the sentencing record and any file of any  
236 previous parole hearing. Each member of the panel shall certify that all  
237 such documentation has been reviewed in preparation for such



238 hearing. If a hearing is not held, the board shall document the specific  
239 reasons for not holding a hearing and provide such reasons to such  
240 person. No person shall be released on parole without receiving a  
241 hearing. The decision of the board under this subsection shall not be  
242 subject to appeal.

243 Sec. 502. Section 54-126a of the general statutes is repealed and the  
244 following is substituted in lieu thereof (*Effective October 1, 2015*):

245 (a) (1) For the purposes of this section, "victim" means a person who  
246 is a victim of a crime, the legal representative of such person, a  
247 member of a deceased victim's immediate family or a person  
248 designated by a deceased victim in accordance with section 1-56r.

249 [(b) At a] (2) The Board of Pardons and Paroles shall ensure that at  
250 least two victims of any crime register his or her name and address  
251 with the board, provided there are two victims of such crime. If there  
252 are three victims of such crime, the board shall ensure each such victim  
253 so registers with the board. If there is only one victim of such crime,  
254 the board shall ensure that such victim so registers. Any other victim  
255 of such crime may register with the board. Prior to any hearing held by  
256 a panel [of the Board of Pardons and Paroles] for the purpose of  
257 determining the eligibility for parole of an inmate incarcerated for the  
258 commission of [any] such crime, the board shall notify in writing each  
259 registered victim of such crime and any other victim of such crime  
260 who is known to the board, the Department of Correction or the Office  
261 of the Victim Advocate of the time, date and location of the hearing  
262 and that such victim may make a statement or submit a written  
263 statement pursuant to subsection (b) of this section. At any such  
264 hearing, the Victim Advocate or the Victim Advocate's designee shall  
265 read into the record the name of any victim of such crime who was  
266 notified pursuant to this subsection, a description of any unsuccessful  
267 attempt to notify any such victim and any response or correspondence  
268 that was received by any such victim. If there is no known victim or no  
269 such victim can be located, the board shall notify the chief law  
270 enforcement of the town in which such crime occurred of the time,

271 date and location of such hearing.

272 (b) Each such panel shall permit any victim of the crime for which  
 273 the inmate is incarcerated to appear before the panel for the purpose of  
 274 making a statement for the record concerning whether the inmate  
 275 should be released on parole or the nature of any terms or conditions  
 276 to be imposed upon any such release. In lieu of such appearance, the  
 277 victim may submit a written statement to the panel and the panel shall  
 278 make such statement a part of the record at the parole hearing.

279 (c) Nothing in this section shall be construed to prohibit the board  
 280 from exercising its discretion to permit a member or members of a  
 281 victim's immediate family to appear before the panel and make a  
 282 statement in accordance with subsection (b) of this section.

283 Sec. 503. (NEW) (*Effective October 1, 2015*) (a) Prior to any hearing  
 284 conducted by the Board of Pardons and Paroles to determine the  
 285 suitability for parole release under the provisions of chapter 961 of the  
 286 general statutes, the board shall notify the office of the Chief State's  
 287 Attorney of such hearing by certified mail. Such notice shall identify  
 288 the applicant being considered for parole and the time, date and place  
 289 of such hearing.

290 (b) Any such hearing shall begin with a member of the parole  
 291 release panel reading into the record of the hearing the records and  
 292 documentation that shall be considered at such hearing. Any request  
 293 for any such record or documentation by the office of the Chief State's  
 294 Attorney or the Chief Public Defender shall be granted and shall not be  
 295 subject to the provisions of chapter 14 of the general statutes."

This act shall take effect as follows and shall amend the following sections:		
Sec. 9	<i>October 1, 2015</i>	54-124a
Sec. 501	<i>October 1, 2015</i>	54-125a(e)
Sec. 502	<i>October 1, 2015</i>	54-126a
Sec. 503	<i>October 1, 2015</i>	New section

